

Senate Bill No. 86

Passed the Senate August 27, 2004

Secretary of the Senate

Passed the Assembly August 24, 2004

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 86, Machado. Sacramento-San Joaquin Delta Conservancy Program.

Existing law authorizes the State Coastal Conservancy to acquire, manage, direct the management of, and conserve specified coastal lands and wetlands in the state.

This bill would establish the Sacramento-San Joaquin Delta Conservancy Program, to be administered by the conservancy, for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta, as defined, in a coordinated, comprehensive, and effective manner, as prescribed.

The bill would create the Sacramento-San Joaquin Delta Conservancy Program Account in the State Coastal Conservancy Fund, for the purpose of depositing and disbursing funds for the administration and implementation of the program. The bill would require that the money in the account be segregated into 2 subaccounts; the first of which would contain state funds that are appropriated by the Legislature for the purposes of the program; the second of which would contain nonstate funds that are derived from other sources, exclusive of federal funds, for the purposes of the program.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.6 (commencing with Section 31180) is added to Division 21 of the Public Resources Code, to read:



CHAPTER 4.6. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY PROGRAM

31180. The Sacramento-San Joaquin Delta Conservancy Program is established pursuant to this chapter, to be administered by the conservancy, for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta in a coordinated, comprehensive, and effective manner.

31181. (a) The Legislature hereby finds and declares that the Sacramento-San Joaquin Delta constitutes a region of significant statewide importance to the people of California. The Legislature further finds and declares that one of the state's primary goals for the delta is to protect, maintain, enhance, and restore the overall quality of the delta environment with respect to resources, including, but not limited to, agriculture, wildlife habitat, public access, and recreational opportunities.

(b) The Legislature further finds that, in order to protect the delta, it is important that urban development not occur in the primary zone, as defined in Section 29728, so that agriculture, wildlife, and recreation are allowed to flourish.

31182. For purposes of this chapter, the following terms have the following meanings:

(a) "Commission" means the Delta Protection Commission as established pursuant to Chapter 3 (commencing with Section 29735) of Division 19.5.

(b) "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code, and, in addition, the area within the incorporated limits of the City of Rio Vista.

(c) "Program" means the Sacramento-San Joaquin Delta Conservancy Program established pursuant to this chapter.

31183. The conservancy may undertake projects in the delta and may award grants or make loans to public agencies and nonprofit organizations to achieve the following goals of the program:

(a) Promotion of farming in a manner that integrates agricultural activities with environmental protection and that also sustains the economics of the region through wildlife-friendly farming practices, implementation of innovative farming



technology, improvement of water quality and water usability, enhancement of habitat, integrated pest management practices, and other approaches.

(b) Protection of farmland and promotion of agricultural viability, including, but not limited to, land used or usable for grazing.

(c) Restoration, enhancement, provision, and protection of open space and natural areas.

(d) Furthering compatibility of agricultural and other private land uses, recreational and educational uses, and wildlife protection.

(e) Collaboration with public or private entities and individuals that support the economy of the communities and rural areas of the delta, including urban waterfronts.

(f) Provision of public access and recreational opportunities.

31184. For purposes of this chapter only, the conservancy may not undertake or fund an acquisition of property rights where there is not a willing seller.

31185. In developing projects under the program, the conservancy shall give priority to those projects that meet all of the following criteria:

(a) Supported by adopted local or regional plans.

(b) Serve a multijurisdictional or regional constituency.

(c) Include matching funds from other sources of funding or assistance. The matching funds obligation can be satisfied by the provision of in-kind activities that further the goals of the conservancy.

(d) Can be implemented in a timely manner.

(e) Serve more than one of the goals described in Section 31183.

31186. (a) The conservancy shall work with the commission to implement appropriate goals and policies of the resource management plan adopted by the commission pursuant to Section 29760. The conservancy shall conduct, in conjunction with the commission, an assessment of the conservation needs of the delta that describes the actions needed to fulfill the program's goals described in Section 31183.

(b) The commission may request conservancy action through the program by resolution, or may adopt a list of priority areas or concerns that shall also provide guidance to the program.



(c) At least 60 days prior to the conservancy approving a project, the conservancy shall submit a project description summary to the commission for review.

31187. (a) The Sacramento-San Joaquin Delta Conservancy Program Account is hereby created in the State Coastal Conservancy Fund for the purpose of depositing and disbursing funds for the administration and implementation of the program.

(b) (1) The money in the account created pursuant to subdivision (a), which shall be available for expenditure upon appropriation by the Legislature, shall be segregated into two subaccounts, as follows:

(A) The first subaccount shall contain state funds that are appropriated by the Legislature for the purposes of this chapter. All interest that accrues on the funds in this subaccount shall be transferred to, and deposited into, the General Fund. The conservancy shall account for all deposits of funds in this subaccount that are derived from funds that were appropriated by the Legislature for the purposes of this chapter.

(B) The second subaccount shall contain nonstate funds that are derived from other sources, exclusive of federal funds, for the purposes of this chapter, including, but not limited to, private donations made for the purposes of this chapter, regulatory fees, and local government contributions made for the purposes of this chapter. All interest that accrues on the funds in this subaccount shall be retained in the subaccount and shall be available for expenditure by the conservancy for the purposes of this chapter. Not more than 3 percent of the funds that are deposited in this subaccount shall be utilized by the conservancy for general administration and planning purposes. No funds may be expended from this subaccount for an activity that would require a commitment of state funds in the future. The conservancy shall account for all deposits of funds in this subaccount for the purposes of this chapter.

(2) All reimbursements, proceeds of sale, or other money received by the conservancy for the purposes of this chapter that are not expended on projects authorized under the program shall be deposited in the appropriate subaccount of the account.

(c) The conservancy is not required to undertake an activity pursuant to this chapter until funds from new sources that are not available to the conservancy as of January 1, 2005, are



appropriated by the Legislature or otherwise made available to the conservancy for those purposes, and until the State Coastal Conservancy Fund is reimbursed from moneys in the account for all administrative or general planning funds expended by the conservancy for the purposes of this chapter prior to the appropriation of funds to, or the availability of funds in, the account for those purposes. In accomplishing the objectives of this chapter, the conservancy may exercise its authority as provided for in this division, as well as pursuant to all other express or implied authority granted to the conservancy.

31188. In the report to the Governor and the Legislature required by Section 31108, the conservancy shall discuss its progress in addressing the goals of this chapter, including, but not limited to, implementation of the long-term resource management plan adopted by the commission under Section 29760.



Approved _____, 2004

Governor

